

Introduced by Senator Morrow

February 17, 2005

An act to amend Section 68665 of the Government Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 378, as introduced, Morrow. Death penalty appeals: appointment of counsel.

Existing law requires the Judicial Council and the Supreme Court to adopt, by rule of court, binding and mandatory competency standards for the appointment of counsel in death penalty direct appeals and habeas corpus proceedings.

This bill would provide that these standards shall require appointed counsel to be a member in good standing of the State Bar; have at least 3 years' experience in the practice of criminal law; and have participated in at least 5 felony jury trials, 5 felony appeals, 5 capital postconviction evidentiary hearings, or a combination of 5 of those proceedings.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68665 of the Government Code is
- 2 amended to read:
- 3 68665. The Judicial Council and the Supreme Court shall
- 4 adopt, by rule of court, *the following* binding and mandatory
- 5 competency standards for the appointment of counsel in death
- 6 penalty direct appeals and habeas corpus proceedings:.
- 7 (a) *Member in good standing of the State Bar.*

- 1 **(b)** *At least three years' experience in the practice of criminal*
- 2 *law.*
- 3 **(c)** *Participation in at least five felony jury trials, five felony*
- 4 *appeals, or five capital postconviction evidentiary hearings, or*
- 5 *any combination of at least five of these proceedings.*

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